

Notice of Allowability

Application No.

09/870,201

Examiner

Kimbinh T. Nguyen

Applicant(s)

YOUNG, CHARLES

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 03/16/06.
2. ☒ The allowed claim(s) is/are 1-6, 8-16 and 18-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This action is responsive to amendment filed 03/16/06.
2. Claims 1-6, 8-16, 18-36 are pending in the application.

Drawings

3. The drawings were received on 03/16/06. These drawings are FIGS 5-7.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

Claims 1, 4, 14, the prior art does not teach a method of collecting audience recognition information concerning a video presentation, the method comprising: displaying an entire video presentation to a plurality of subjects; subsequently inquiring of each of the subjects by computer whether each of a plurality of still images obtained from the video presentation are recognized by each of the subjects, the inquiring step taking place after the displaying step; and for each of the still images, tabulating a percentage of the subjects reporting recognition by remembrance of the still image in the inquiring step.

Claims 8, 18, the prior art does not teach inquiring of each of the first plurality of subjects whether each of a plurality of still images obtained from the video presentation are recognized by each of the first plurality of subjects; for each of the images, tabulating a percentage of the first plurality of subjects reporting recognition of the image in the inquiring step; generating a graph comprising each of the images, wherein a position of each of the images on the graph is determined by the corresponding percentage generated in the tabulating step; after the generating step, creating an

abbreviated presentation containing a subset of the images; after introduction of the video presentation via an advertising campaign, displaying the abbreviated presentation to a second plurality of subjects in a market targeted by the advertising campaign; and inquiring of each of the second plurality of subjects whether the abbreviated presentation is recognized by each of the second plurality of subjects.

Claims 29 and 30, the prior art does not teach obtaining by an apparatus local to each subject audience recognition information from each of the subjects concerning a plurality of still images obtained from the video presentation, the obtaining step comprising inquiring of each of the plurality of subjects which of the still images are recognized; communicating results of the obtaining step via a network to a central computer; tabulating results of the obtaining step for all subjects, the tabulating step . comprising determining for each of the portions a percentage of the subjects recognizing the portion in the obtaining step; and generating by a computer a graph or grid comprising at least one image from the presentation, wherein characteristics of the at least one image are determined by results of the tabulating step, the generating step comprising automatically generating by a computer the presentation overlaid with a grid, wherein a brightness of portions of the presentation are determined by results of the tabulating step.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

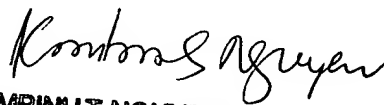
Art Unit: 2628

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (571) 272-7644. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached at (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 31, 2006


KIMBINH T. NGUYEN
PRIMARY EXAMINER